REMARKS

The present application was filed on July 31, 2000 with claims 1-14. Claims 1-14 are currently pending in the application. Claims 1 and 12-14 are the independent claims.

Applicants respectfully request reconsideration of the present application in view of the following remarks.

With regard to the objections to the specification, amendments have been made relating to points (a), (c) and (d).

Point (b) of the specification objections argues that the word "stages" at page 5, line 13, should be replaced with the word "stage." Applicants respectfully disagree. The phrase "above-noted frequency assignment and post-frequency-assignment optimization stages" is grammatically correct in its present form. Since the phrase makes reference to two distinct stages, namely, the frequency assignment stage and the post-frequency-assignment stage, use of the word "stages" is appropriate.

Point (e) argues that the terms "could each have" at page 17, lines 20 and 21, should be replaced with "each could have." Applicants believe that the current language of the passage in question is grammatically acceptable, and respectfully decline to implement a change that appears to be based solely on the subjective preference of the Examiner.

With regard to the objection to claim 6, Applicants respectfully traverse. The Examiner argues that the term "an FDMA" should be replaced with "a FDMA." It is believed that the term in question is correct in its present form. As is well known, when an acronym that is pronounced by stating the letters thereof begins with a vowel sound, it is customary to utilize the word "an" rather than the word "a" in front of the acronym. The acronyms FDMA and OFDM both begin with vowel sounds when pronounced by stating the respective letters thereof. Thus, "an FDMA" and "an OFDM" are appropriate. However, the acronyms TDMA and CDMA do not begin with vowel sounds when pronounced by stating their respective letters, and thus the terms "a TDMA" and "a CDMA" are appropriate. The claim objection is therefore believed to be improper, and should be withdrawn.

Applicants respectfully traverse the §102(e), §102(b) and §103(a) rejections.

With regard to the §102(e) rejection over U.S. Patent No. 6,049,717 (hereinafter "Dufour") and the §102(b) rejection over U.S. Patent No. 5,293,640 (hereinafter "Gunmar"), Applicants initially note that the Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons identified below, Applicants submit that the Examiner has failed to establish anticipation of at least independent claims 1 and 12-14 by either the Dufour or Gunmar references.

Independent claim 1 is directed to a processor-implemented method for providing a desired level of performance for a wireless network. The method includes an applying step and a utilizing step. In the applying step, an optimization process is applied to a set of information characterizing the network, the optimization process comprising a multi-stage process including at least a frequency assignment stage and a post-frequency-assignment optimization stage, the post-frequency-assignment optimization stage being applied after assignment of frequencies to one or more communication channels of the wireless network in the frequency assignment stage. At least a subset of the stages of the multi-stage process are iterated. In the utilizing step, an output of the optimization process is utilized to determine at least one operating parameter of the wireless network.

Unlike the claimed invention, the Dufour reference relates only to a frequency assignment process, also commonly referred to as frequency planning. There is no disclosure of a multi-stage optimization process which includes both a frequency assignment stage and a separately-identifiable post-frequency-assignment optimization stage. For example, Dufour at column 1, lines 20-22, and column 2, lines 59-61, indicates that the disclosure therein provides "an operator assisted tool and method for assigning frequencies to transceivers in cells of a cellular telephone system." As another example, Dufour at column 3, lines 59-61 more specifically describes the disclosed operator assisted tool as a "frequency planning tool." Although there are indeed multiple passes in the "three pass

processing procedure" that is described in column 2, line 62 to column 3, line 13 of Dufour, all of these passes are part of a frequency assignment process, implemented in the form of an otherwise conventional frequency planning tool. Thus, the "three pass processing procedure" of Dufour should be viewed as merely an example of a conventional frequency assignment process that may be utilized in frequency planning step 142 of the illustrative system shown in FIG. 3 of the drawings in the present application. See the corresponding text at page 10, line 25 to page 11, line 5 of the present specification.

Similarly, the Gunmar reference relates to frequency planning only, without providing any disclosure of the claimed multi-stage process which includes distinct frequency assignment and post-frequency-assignment optimization stages.

Independent claim 1 thus calls for a multi-stage optimization process having distinctly identifiable stages corresponding to frequency assignment and post-frequency-assignment optimization. The Examiner has cited the frequency planning tools disclosed in Dufour and Gunmar as being allegedly anticipatory. Applicants respectfully submit that, in view of the fact that the present specification describes the frequency assignment stage of the claimed multi-stage process as comprising a conventional frequency planning tool, such a tool cannot be anticipatory of both the frequency assignment stage and the post-frequency assignment optimization stage of the claimed multi-stage process. The post-frequency-assignment optimization stage as disclosed in the present application is separate and distinct from frequency assignment, and is applied after frequency assignment is complete.

Since both Dufour and Gunmar fail to teach or suggest each and every limitation of independent claim 1, this claim is not anticipated by Dufour or Gunmar.

Independent claims 12-14 include limitations that are similarly not met by the teachings of Dufour and Gunmar, and are believed allowable for substantially the same reasons identified above with regard to claim 1.

Dependent claims 2-11 are believed allowable at least by virtue of their dependence from independent claim 1. One or more of these claims are also believed to define additional separately-patentable subject matter relative to Dufour, Gunmar and the other art of record.

In view of the above, Applicants believe that claims 1-14 are in condition for allowance, and respectfully request withdrawal of the §102(e), §102(b) and §103(a) rejections.

Respectfully submitted,

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